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10/562,083	07/23/2007	Dirk Lappe	P01040US	9650

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EXAMINER	
LI, CE LI	
ART UNIT	**PAPER NUMBER**
3661	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/562,083	LAPPE ET AL.	
	Examiner	Art Unit	
	CE LI	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) *9-11 and 19-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 12-18 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/24/2010 have been fully considered but they are not persuasive.

Applicant argues on third paragraph of page 9 of the Remarks with respected to claim 1, "Thus, Ohler et al. does not do at least these two steps that require interaction with the second navigation device." In response to applicant's argument, Ohler does disclose receiving a second set of data from a second navigation device by the first navigation device (Col. 8, lines 49-57, col. 11, lines 15-20, and Col. 13, lines 66-67), the second set of data including data representing a current position of the second navigation device, and second criteria for selecting a rendezvous position (Col. 12, lines 44-67, and col. 13, lines 12-16); notifying the second navigation device when the identified rendezvous position and the second route violates the second criteria (Col. 5, lines 35-47, Col. 13, lines 4-8). The navigation service provider interacts with first and second navigation device (col. 8, lines 49-57, Col. 9, lines 17-40) and first navigation device interacts with second navigation device (Col. 11, lines 15-20). The navigation services provider does communicate with the second navigation device, and the navigation services providers notifies the second navigation device when the identified rendezvous position and the second route violates the second criteria (Col. 5, lines 35-47, Col. 13, lines 4-8).

2. Applicant added new limitations to claim 13, which changes the scope of the claim and a new ground of rejection is necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ohler et al. (US 6,424,910).

Ohler discloses a method coordinating routes of a plurality of navigation devices comprising:

As to claim 1, receiving a first set of data by a first navigation device (col. 10, lines 8-10), the first set of data including first criteria for selecting a rendezvous position (Col. 12, lines 44-67, and col. 13, lines 12-16); receiving a second set of data from a second navigation device by the first navigation device (Col. 8, lines 49-57, col. 11, lines 15-20, and Col. 13, lines 66-67), the second set of data including data representing a current position of the second navigation device, and second criteria for selecting a rendezvous position (Col. 12, lines 44-67, and col. 13, lines 12-16); identifying a rendezvous position based on the first criteria and the second criteria, where the rendezvous position is used for establishing a first route for the first navigation device to the rendezvous position and for establishing a second route for the second navigation device to the rendezvous position (Col. 12, line 44 to Col. 13, line 31); notifying the first

navigation device when the identified rendezvous position and the first route violated the first criteria; and notifying the second navigation device when the identified rendezvous position and the second route violates the second criteria. (col. 8, lines 49-57, Col. 9, lines 17-40, Col. 5, lines 35-47, Col. 13, lines 4-8 and Col. 11, lines 15-20)

As to claim 2, further comprising calculating first positional data in the first navigational device on the basis of the first set of data and the second set of data so as to specify the first route (Figure 4); and transmitting a third set of data from the first navigation device to the second navigation device, the third set of data representing at least a portion of the calculated first positional data (col. 11, lines 30-36).

As to claim 3, further comprising transmitting a request signal from the first navigation device to the second navigation device to initiate transmission of the second set of data (col. 11, lines 16-17).

As to claim 5, where the first criteria and the second criteria comprise a a minimum travel distance, a minimum time, use/avoidance of certain roads/freeways/bridges/tunnels, or intermediate destinations (Col. 3, lines 48-57)

Claim Rejections – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 4, 6-8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohler et al. (US 6,424,910) in view of Saiki (US 7,058,507).

Ohler does not explicitly disclose the limitation of claims 4, 6-8, and 12.

Saiki discloses:

As to claim 4, comprising transmitting a confirmation signal by the second navigation device to acknowledge data communication with the first navigation device (Figures 3-4).

As to claim 6, calculating second positional data in the second navigation device on the basis of the current position of the second navigation device and the third set of data (col. 10, lines 13-16);

As to claim 7, where the first positional data and the second positional data are calculated on the basis of an estimated average speed of the first navigation device and the second navigation device (col. 1, lines 20-23, col. 6, lines 61-62);

As to claim 8, receiving an updated version of the second set of data and calculating the first positional data on the basis of the updated second set of data (col. 11, lines 8-28);

As to claim 12, further comprising receiving further information regarding the identified rendezvous point based on prior identification of the identified rendezvous point, where the further information comprises a quality of the identified rendezvous point (Col. 2, lines 38-53)

Therefore, given the teaching of Saiki, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have readily recognized the desirability and advantages of modifying the navigation device of Ohler by employing the well known or conventional features of claims 4, 6-8, 12, as disclosed by Saiki, in order to select a meeting place suitable and convenient to all users and update the meeting place with respect to current traffic jams and other conditions.

7. Claims 4, 6-8, 12-18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohler et al. (US 6,424,910) in view of Saiki (US 7,058,507) and Zuber et al. (US 2002/0077746) and Maruyama et al. (JP 10-281782 A).

Ohler discloses a navigation devices and method comprising:

As to claims 13 and 22, a first receiving section configured to receive and decode a first signal indicating a current position of the navigation device (col. 10, lines 8-10); a second receiving section configured to receive and decode a

confirmation signal for communication with an external device (Figure 5); a request signal requesting communication with an external device and external positional data via a communications network (col. 11, lines 16-17); a calculation unit configured to calculate, upon receipt of the confirmation signal by the second receiving section, a rendezvous position for the first navigation device and the external device based on first signal and the external position data (Figures 3-4)

Saiki discloses a calculation unit configured to calculate, upon receipt of the confirmation signal by the second receiving section, a rendezvous position for the first navigation device and the external device based on first signal and the external position data (Figure 3), and a transmission section configured to encode the rendezvous position in an output signal transmitted via the communications network to the external device when the rendezvous position is approved (Figure 4 and Col. 10 line 53 to Col. 11 line 21);

Maruyama teaches calculating the rendezvous position is based on current position of the navigation devices and the second destination (Abstract).

Therefore, given the teaching of Saiki and Maruyama, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have readily recognized the desirability and advantages of modifying the navigation device of Ohler and Saiki by employing the well known or conventional features of calculating the rendezvous position is based on current position of the navigation devices and the second destination, as disclosed by Maruyama, in order to select a meeting place suitable and convenient to all users by taking the destination and current positions into account.

Zuber further teaches a calculated route is provided to the user for approval, and if the user does not approve the calculated route, then the route will be recalculated (paragraphs 25-26).

Therefore, given the teaching of Zuber, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have readily recognized the desirability and advantages of modifying the navigation device of Ohler, Saiki and Maruyama by employing the well known or conventional features of approving the rendezvous position by the navigation device and send it to other navigation devices, as disclosed by Zuber, in order to select a meeting place suitable and convenient to all users and update the meeting place with respect to current traffic jams and other conditions.

Ohler further discloses:

As to claim 14, where the second receiving section and the transmission section each comprise an interface for wireless communication (col. 2, lines 58-61) with external devices according to a specified data communications standard.

As to claim 15, where the second receiving section and the transmission section each comprise an interface to a mobile phone (col. 2, lines 58-61).

As to claim 16, where the second receiving section and the transmission section comprise a high frequency demodulator and a high frequency modulator (col. 2, lines 58-61), respectively, so as to receive the confirmation signal and transmit the request signal, respectively.

As to claim 17, where the calculation unit is configured to calculate the positional data on the basis of geographical data representing a road map (col. 3, lines 18-36)

As to claim 23, wherein identifying the rendezvous location takes into account at least one criteria (Col. 12, lines 44-67, and col. 13, lines 12-16) provided by the first user in addition to the first positional data (Col. 10, lines 8-10) and the second positional data (Col. 8, lines 49-57, col. 11, lines 15-20, and Col. 13, lines 66-67).

As to claim 24, wherein a route to the rendezvous location is communicated to the second navigation device (Abstract).

Saiki further discloses:

As to claim 18, Saiki discloses a user interface configured to report the receipt of the meeting place signal to a user, and to initiate the transmission of the selected meeting place upon user request instead of report the receipt of request signal and initiate transmission of conformation signal. Since Saiki's user interface can report the receipt of the meeting place signal to a user, and to initiate the transmission of the selected meeting place upon user request, it should also be able to report the receipt of request signal and initiate transmission of conformation signal (Figure 4).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CE LI whose telephone number is (571)270-5564. The examiner can normally be reached on Monday to Friday, 9AM-5PM, EST, every other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571)272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CE LI/
Examiner, Art Unit 3661

/Thomas G. Black/

Supervisory Patent Examiner, Art Unit 3661